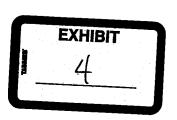
MILES TOLBERT, 4-13-09

IN THE UNITED STATES DISTRICT COURT FOR THE 1 2 NORTHERN DISTRICT OF OKLAHOMA 3 4 W. A. DREW EDMONDSON, in his) 5 capacity as ATTORNEY GENERAL) OF THE STATE OF OKLAHOMA and) 6 OKLAHOMA SECRETARY OF THE ENVIRONMENT C. MILES TOLBERT,) 7 in his capacity as the TRUSTEE FOR NATURAL RESOURCES) 8 FOR THE STATE OF OKLAHOMA, 9 Plaintiff, 10 vs.)4:05-CV-00329-TCK-SAJ 11 TYSON FOODS, INC., et al, 12 Defendants. 13 14 THE VIDEOTAPED DEPOSITION OF 15 MILES TOLBERT, produced as a witness on behalf of 16 the Defendants in the above styled and numbered 17 cause, taken on the 13th day of April, 2009, in the 18 City of Oklahoma City, County of Oklahoma, State of Oklahoma, before me, Lisa A. Steinmeyer, a Certified 20 Shorthand Reporter, duly certified under and by virtue of the laws of the State of Oklahoma. 21 22 23 24 25

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1	for farmers who land apply poultry litter. Is that
2	what it boils down to?
3	MR. BULLOCK: Object to form.
4	A There's one system for municipal discharges
5	and there's another system for poultry. 03:59PM
6	Q Okay, and the system for municipal dischargers
7	allows direct discharge of pollutants into the
8	waters of the State of Oklahoma; correct?
9	A Yes.
10	Q And the other allows a poultry farmer to apply 03:59PM
11	poultry litter, which contains phosphorus and other
12	constituents, to lands within the Illinois River
13	watershed?
14	A I don't know that either I don't again,
15	I think there's no permit that's issued in the 04:00PM
16	poultry context. So I don't know that you could say
17	it is somehow expressly allowed.
18	Q Okay. So are you saying the State of Oklahoma
19	does not allow farmers to apply poultry litter to
20	the lands within the Illinois River watershed? 04:00PM
21	A No.
22	MR. BULLOCK: Object to form.
23	Q Are you familiar with anyone who has worked
24	for or currently works for Peterson Farms?
25	A For Peterson Farms? I don't think so. 04:00PM
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